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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/391,864    09/08/99    EASTMAN

R    EOD-101-A

021828    QM02/0418  
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SUITE 100  
NOVI MI 48375

EXAMINER
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MCALLENAN, J

ART UNIT	PAPER NUMBER
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3745

*2*

DATE MAILED:

04/18/00

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.  
09/391,864

Applicant(s)  
Eastman et al.

Examiner  
James M. McAleenan

Group Art Unit  
3745



☐ Responsive to communication(s) filed on \_\_\_\_\_.

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claims

☒ Claim(s) 1-10 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☒ Claim(s) 1-10 is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☒ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been  
☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_.

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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## DETAILED ACTION

### *Specification*

1. The disclosure is objected to because of the following informalities:

On page 9, line 7, recites "filter member 14" is mislabeled and needs to be rewritten as --filter member 24--.

Appropriate correction is required.

### *Drawings*

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the pump subassembly being manually operated must be shown or the feature(s) canceled from the claim(s). See claim 7. No new matter should be entered.

### *Claim Rejections - 35 USC § 112*

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

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Claim 7 is rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The Applicant has not disclosed in the disclosure or drawings how the pump subassembly can be manually operated.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2, 4-6 and 8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carpenter (U.S. Patent Number 2,280,626) in view of Griffin et al. (U.S. Patent Number 5,202,021). Carpenter discloses a filtering pump assembly for pumping and filtering a fluid including a pump subassembly having an inlet portion with a first cross-sectional shape and a filter subassembly. See Figure 1 of Carpenter. Carpenter teaches the inlet portion with a first cross-sectional shape that is circular. See Col. 1-2 of Carpenter. Carpenter teaches the filtering pump assembly is electrically operated. Carpenter discloses the filtering pump assembly having a foraminous cage member having an opening formed therein of a shape corresponding to the first cross-sectional shape of the inlet portion and being configured to fit engagably thereon. See Col.

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1-2 of Carpenter. Carpenter teaches the first cross-sectional shape as circular. Carpenter also discloses the filter element having a screen (10). Carpenter discloses a filtering pump assembly for pumping and filtering a fluid, and the assembly includes a pump subassembly and a filter subassembly. See Figures 1-2 of Carpenter. Carpenter teaches the pump subassembly including a case, as well as a motor (10) disposed with the case and having a central shaft (17). Carpenter also discloses a pickup tube (13) attached to the case and extending downwardly therefrom, a long with having an upper end and lower end that defines a first flow passage. Carpenter further teaches the pump subassembly having a drive shaft (16) coaxially disposed in the pickup tube (13) and operatively attached to the central shaft (17) of the motor (10) for movement thereby. Carpenter discloses an impeller (38) attached to the drive shaft (16) opposite the motor (10). Carpenter teaches an impeller housing (14) attached to the lower end of the pickup tube and surrounding the impeller (38). Carpenter discloses an outlet port (23) disposed proximate the upper end of the pickup tube (13) and defining a second flow passage therein which is in fluid communication with the first flow passage. Carpenter teaches the filter assembly (15) including a foraminous cage operatively attached to, and partially surrounding the impeller housing. However, Carpenter does not teach the filtering pump assembly including a filter element formed of a porous material for placement in covering relation to the cage member. For claim 2, Carpenter does not disclose a filter element formed of a porous material for placement in covering relation to the cage member. For claim 4, Carpenter does not teach the filter element comprising of a bag for placement covering the surrounding the cage member. For claim 9, Carpenter does

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not teach the cage member as substantially cylindrical in shape, and the filter element includes a hollow sleeve which slidably fits over the cage member. For claim 10, Carpenter does not disclose the filtering pump assembly including a filter element (420) formed of a porous material for placement in covering relation to the cage member (450).

However, Griffin et al. (U.S. Patent Number 5,202,021) discloses the filtering pump assembly (400) including a filter element (420) formed of a porous material for placement in covering relation to the cage member (450). See Figure 4; Col. 5, lines 56-68; and Col. 6, lines 1-8 of Griffin et al. Griffin et al. also teaches the filter element (420) comprising of a bag (420) for placement covering the surrounding cage member (450). Griffin et al. further discloses the cage member (450) as substantially cylindrical in shape, and the filter element (420) includes a hollow sleeve which slidably fits over the cage member (450). It would have been obvious to one having ordinary skill in the art, at the time applicant's invention was made, to modify the device of Carpenter by including a filter element (420) formed of a porous material for placement in covering relation to the cage member (450), along with comprising of a bag (420) for placement covering the surrounding cage member (450), as well as the cage member (450) as substantially cylindrical in shape, and the filter element (420) includes a hollow sleeve which slidably fits over the cage member (450) as taught by Griffin et al. for the purpose of having an effective filtering pump assembly (400) as claimed. See Figures 1-4 and Col. 1-7 of Griffin et al.

Regarding claim 2, the modified Carpenter device teaches the filter subassembly having a means for retaining the filter element in covering relation to the cage member.

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Regarding claim 4, the modified Carpenter device discloses the filter element including a bag for placement covering and surrounding the cage member.

Regarding claim 5, the modified Carpenter device discloses the filter element having a screen.

Regarding claim 6, the modified Carpenter device discloses the filtering pump assembly including the first cross-sectional shape as circular.

Regarding claim 8, the modified Carpenter device teaches the pump subassembly as electrically operated.

Regarding claim 9, the modified Carpenter device discloses the cage member as substantially cylindrical in shape, and the filter element includes a hollow sleeve which slidably fits over the cage member.

Regarding claim 10, the modified Carpenter device discloses the filtering pump assembly including a filter element formed of a porous material for placement in covering relation to the cage member.

5. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Carpenter (U.S. Patent Number 2,280,626) in view of Griffin et al. (U.S. Patent Number 5,202,021) and Hall (U.S. Patent Number 2,997,957). The Carpenter device in the rejection of claim 1 above, discloses all of the claimed elements except that the Carpenter device does not disclose the filtering subassembly including an annular spring clip having two ends which overlap one another and having a finger grip formed at each end thereof.

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However, Hall (U.S. Patent Number 2,997,957) discloses the filtering subassembly including an annular spring clip (62) having two ends which overlap one another and having a finger grip formed at each end thereof. It would have been obvious to one having ordinary skill in the art, at the time applicant's invention was made, to further modify the device of Carpenter by incorporating the filtering subassembly that includes an annular spring clip as taught by Hall, for the purpose of retaining the filter element as claimed. See Figures 1-5 of Hall.

6. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Carpenter (U.S. Patent Number 2,280,626) in view of Griffin et al. (U.S. Patent Number 5,202,021) and Foughty (U.S. Patent Number 4,475,872). The Carpenter device in the rejection of claim 1 above, discloses all of the claimed elements except that the Carpenter device does not disclose the pump assembly as manually operated.

However, Foughty (U.S. Patent Number 4,475,872) discloses the pump assembly as manually operated. It would have been obvious to one having ordinary skill in the art, at the time applicant's invention was made, to further modify the device of Carpenter by incorporating the pump assembly as manually operated as taught by Foughty for the purpose of operating the filter pump assembly as claimed. See Figure 1-7 of Foughty.

#### **PRIOR ART**

The prior art made of record but not relied upon is considered pertinent to applicant's disclosure and consists of 3 patents.



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Niedermeyer (U.S. Patent Number 4,230,440) is cited to show a filter element having a screen. See Figures 1-3 of Niedermeyer.

Catcher (U.S. Patent Number 5,244,365) is cited to show a pump assembly as manually operated.

Crites (U.S. Patent Number 2,330,336) is cited to show a similar device as claimed by Applicant except for the filter subassembly.

#### CONTACT INFORMATION

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner James M. McAleenan whose telephone number is (703) 308-2827. The examiner can normally be reached on Monday - Friday from 9:00 a.m. to 4:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Look, can be reached on (703) 308-1044. The fax phone number for this Group is (703) 305-3588.

An inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0861.

*James M. McAleenan* 4/17/00

James M. McAleenan  
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